



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,522	09/26/2005	Kazuo Miyashita	040894-1763	9262
9629	7590	10/20/2006	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			KASENGE, CHARLES R	
			ART UNIT	PAPER NUMBER
			2125	

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/520,522	Applicant(s) MIYASHITA, KAZUO	
	Examiner Charles R. Kasenge	Art Unit 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/21/06, 9/26/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 7/21/06 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because it doesn't contain an explanation of relevance or a translation of the foreign documents KR 2000-0076601 and JP 3741562-B. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Fargher et al. U.S. Patent 5,826,040. Regarding claim 1, Fargher discloses a production plan devising system for formulating a production plan by means of simulating movement of a product in a factory by an event-based simulator through use of a production process model and a production rule (col. 4, lines 16-36), the production plan devising system comprising: a time-interval-based simulator

Art Unit: 2125

for computing the status of a production process at given time intervals (col. 7, lines 34-62); and a rule generator for automatically deriving the production rule through use of the time-interval-based simulator (col. 8, lines 45-54).

Regarding claims 2, 3 and 5, Fargher discloses the production plan devising system according to claim 1, wherein the production rule is formulated by means of a machine learning method based on a consecutive optimization technique using an artificial intelligence technique (col. 5, lines 17-25). Fargher discloses the production plan devising system according to claim 1, wherein the rule generator is constituted by a neural network (abstract see also Other Publications).

Regarding claim 4, Fargher discloses a production plan devising method for formulating a production plan by means of simulating movement of a product in a factory by an event-based simulator through use of a production process model and a production rule, the production plan devising method employing a time-interval-based simulator for computing the status of a production process at given time intervals and a rule generator for automatically deriving the production rule through use of the time-interval-based simulator (col. 4, lines 16-36), the production plan devising method comprising: a step for repeatedly devising a production plan over and over again by the time-interval-based simulator (col. 7, lines 34-62); a step for applying mechanical learning based on a consecutive optimization technique to the rule generator (col. 5, lines 17-25); a step for automatically formulating the production rule (col. 5, lines 50-58); a step for using a generated production rule by the event-based simulator; and a step for formulating a production rule (col. 6, lines 54-67).

Regarding claims 6, 10, 14 and 18, Fargher discloses a production system comprising: a

Art Unit: 2125

simulator for repeatedly computing the amount of WIP in manufacturing processes (col. 7, lines 34-62); and a control system which determines a parameter to be used in computation of the simulator such that a computation result of the simulator becomes equal to an allowable range or less, and which controls the manufacturing processes on the basis of the parameter (col. 13, lines 7-16).

Regarding claims 7-9, 11-13 and 15-17, Fargher discloses the production system according to claim 6, wherein the simulator comprises: a time-interval-based simulator for computing the status of a production process at given time intervals, and a rule generator for automatically deriving the production rule through use of the time-interval-based simulator, and the simulator repeatedly computes the quantity of WIP in manufacturing processes through use of a production rule generated by the generator (col. 7, lines 34-62). Fargher discloses the production system according to claim 6, wherein the control system has measurement equipment for measuring the amount of actual WIP in manufacturing processes; and, when the amount of actual WIP measured by the measurement equipment within a given cycle has become equal to a computation result of the simulator, the control system suspends production in manufacturing processes and resumes production in the next cycle (col. 7, lines 34-62). Fargher discloses the production system according to claim 8, wherein the given cycle can be variably set (col. 7, lines 34-62).

Art Unit: 2125

Conclusion

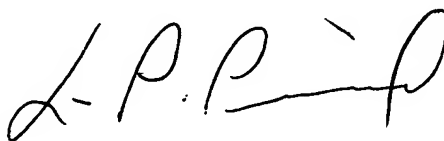
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R. Kasenge whose telephone number is 571 272-3743.

The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CK
October 13, 2006



LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100